

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

CRIMINAL PRETRIAL  
SCHEDULING ORDER

CHRISTOPHER BARRET ET AL.,

10-CR-809 (KAM)

Defendants.

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The defendants in the above captioned criminal case having interposed a plea of not guilty, the parties are directed:

1. To **APPEAR** with counsel ready to **SELECT A JURY** on **January 3, 2012 at 9:00 a.m.** in Courtroom No. 4E on the 4<sup>th</sup> Floor, United States Courthouse (Old Building), 225 Cadman Plaza East, Brooklyn, New York.
2. To **APPEAR** with counsel ready to **TO TRY THE CASE** on **January 9, 2012 at 9:00 a.m.** in Courtroom No. 4E on the 4<sup>th</sup> Floor, United States Courthouse (Old Building), 225 Cadman Plaza East, Brooklyn, New York.
3. To **SERVE** and **FILE** all of defendants' pre-trial motions in accordance with the following schedule: (a) the moving party shall file its motion by **September 23, 2011**; (b) the opposing party shall file its response by **October 17, 2011**; (c) the moving party shall file its reply, if any, by **October 28, 2011**; and (d) a suppression hearing, if necessary, shall take place on **November 10, 2011 at 9:30 a.m.**
4. To **APPEAR** with counsel who is to try the case at a **STATUS CONFERENCE** on **November 10, 2011 at 1:00 p.m.**
5. To **APPEAR** with counsel who is to try the case at a **FINAL PRETRIAL CONFERENCE** on **December 29, 2011 at 10 a.m.**
  - (a) **Before the pretrial conference, and no later than December 9, 2011**, each party shall **EXCHANGE** and **FILE** with the Court via ECF:
    - (i) a LIST OF EXHIBITS;
    - (ii) a LIST OF PERSONS, including attorneys; CORPORATIONS; INSTITUTIONS; PLACES; and SCIENTIFIC, TECHNICAL or COLLOQUIAL

TERMS that will be present or referred to by counsel or witnesses during the trial, for the use of the Court in questioning prospective jurors and to assist the court reporter in recording the proceedings;

(iii) VOIR DIRE requests;

(iv) PROPOSED VERDICT FORMS, SPECIAL VERDICT FORMS, AND PROPOSED SPECIAL INTERROGATORIES, if applicable;

(v) REQUESTS TO CHARGE AND ANY OBJECTIONS to same; and

(vi) A JOINT STATEMENT OF THE CASE AND ANY STIPULATIONS OF FACT OR NOTICES OF OBJECTIONS to authenticity of documents.

**(b) Before the pretrial conference, each party shall:**

(i) **PHYSICALLY MARK** for identification (*e.g.*, GX. 1<sup>ID</sup>, DX A<sup>ID</sup> followed by the docket number), using exhibit tabs supplied by the Court, each item of physical or documentary EVIDENCE which the party intends to offer in evidence at trial, including any learned treatises or publications to be introduced pursuant to Federal Rule of Evidence 803(18);<sup>1</sup>

(ii) If TRANSCRIPTS are to be used either as substantive evidence or aids to the jury, a single copy shall be appropriately marked by all parties to indicate (i) portions to be read, and (ii) portions objected to; and

(iii) Make every effort to enter into STIPULATIONS OF FACT, including stipulations as to the authenticity of all documents intended to be offered in evidence at trial; give notice as to all objections to authenticity so as to permit the adversary to have available at trial all necessary foundation witnesses.

**(c) At the pretrial conference, each party shall:**

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<sup>1</sup>If any party wishes to present marked exhibits to the jury in digital form, the parties are directed to meet with the Chief Deputy Clerk for Automation Services and my case manager at least 20 days prior to the commencement of the trial to review the available equipment in Courtroom 4E for the presentation of digital evidence and to determine what equipment the court can provide and what equipment the parties must provide. Counsel should be accompanied by the audio-visual personnel who will be operating any equipment that will be used at trial. Not later than 10 days before the commencement of trial, or by **December 19, 2011**, the parties shall file a confirmation in writing via ECF that this meeting has occurred and a general outline of the understandings reached.

(i) **BRING FOR INSPECTION** and **EXCHANGE** with opposing counsel all exhibits marked for identification, including any disc upon which the exhibits have been recorded in digital form, if the party intends to present the evidence at trial digitally; and

(ii) **PROVIDE** the Court with two courtesy copies of each party's pre-marked exhibits.

6. **No later than December 30, 2011**, counsel for the government shall **PROVIDE** all material required to be produced at trial pursuant to 18 U.S.C. § 3500, appropriately marked for identification (*e.g.*, GX 3500-1<sup>ID</sup>) to defense counsel and two courtesy copies to Chambers.

7. Defendants in criminal cases are required to appear at all stages of the proceedings, including the return dates of motions, hearings, pretrial conferences and trial, unless excused by the Court with the consent of the Government. Failure to comply with this provision may result in revocation of bail.

**SO ORDERED.**

Dated: Brooklyn, New York  
September 14, 2011

/s/  
Hon. Kiyo A. Matsumoto  
United States District Judge